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S E C R E T SECTION 01 OF 02 ABUJA 000538

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TAGS: [PGOV](#) [PINR](#) [PTER](#) [KJUS](#) [KISL](#) [NI](#)
SUBJECT: NIGERIA: TERRORISM SUSPECTS GRANTED BAIL

REF: A. 07 ABUJA 2476
[1](#)B. 07 ABUJA 2619
[1](#)C. ABUJA 403

Classified By: PolCouns Walter Pflaumer for Reasons 1.4 (b, c, & d).

[1](#)1. (U) The Abuja Federal High Court granted bail March 12 to Muhammad Ashafa, who has been in police custody since 2004 when the GON extradited him from Pakistan for alleged ties to al-Qaeda. Ashafa's counsel Ifeyinwa Obegolu told PolOff March 12 that the Nigerian police and State Security Service (SSS) repeatedly employed "torture" to extract information from Ashafa. Obegolu claimed the "torture" led to Ashafa's declining health, and argued before the court for Ashafa's release to enable him to receive medical treatment outside Abuja. Ashafa will return to his hometown outside Kano before the case resumes hearing May 7.

[1](#)2. (S//NF) Five other individuals)- Abubakar Kambar, Umar Hussaini, Awalu Haruna, Dauda Abdulmumin, Abubakar Abdulhamid)- who had been arraigned November 2007 for conspiracy to commit terrorist acts and unlawful possession of firearms and explosives, posted bail of \$45,000 March 12 (Ref A). The SSS Prosecutor told PolOff January 28 the evidence against the five was both "overwhelming" and "undeniable." As well, the Prosecutor suggested several witness testimonies gathered by the SSS implicated Kambar and Hussaini in planning the attacks and securing funding and training to Mali to carry out the attacks. He remarked that Kambar and Hussaini had been recruited in Kano by individuals directly linked with al-Qaeda in the Islamic Maghreb (AQIM).

[1](#)3. (S//NF) An additional twelve individuals, who had been arrested and detained by the SSS in October 2007 for allegedly plotting terrorist attacks in Nigeria in concert with the five noted above, were released January and February [1](#)2008. As a condition for their release, these twelve acceded to routine monitoring by and reporting to the SSS, as part of a SSS program termed "Perception Management" -- aimed at de-radicalizing and reforming Muslims, who have espoused or otherwise participated in extremist-cum-terrorist activities. Under this plan, individuals are released from police or SSS custody and entrusted to "sureties") most of whom are imams or respected traditional leaders in the North. PolOff spoke January 21, and again March 16, with Kaduna- and Kano-based imams, who had been contacted by the SSS and entreated to serve as "sureties" for the twelve individuals noted above. The imams contended that the so-called de-radicalization

efforts of the SSS were not only ill-conceived, but also ineffective, counter-productive, and unimpressive.

¶4. (S//NF) The court's March 12 bail ruling may be the first step toward the case against Ashafa being thrown out. The authorities have not proffered a cogent case against the terrorism suspect, preferring instead to detain him indefinitely. Ashafa did not appear to PolOff in ill health, but rather in good spirits and fully coherent. The court's decision to release Ashafa on bail seemed inevitable given the lack of evidence to prosecute. Even Ashafa's ties to al-Qaeda in Pakistan appeared tenuous, according to the Public Prosecutor. In discussions with counsel to Ashafa as well as the Public Prosecutor in the case, Polof was told that the court ostensibly remains under political pressure to expedite, even throw out terrorism cases to ensure Nigeria is not given the distasteful reputation of a "terrorist safe haven."

¶5. (S//NF) COMMENT: The release of the twelve individuals suspected of AQIM links and to planning terrorist attacks in Nigeria may be connected to overtures made by the SSS to northern traditional and Islamic leaders. While several imams have been reticent to concede that extremism (or terrorism) may obtain in the North, several others have told PolOff that they (and not the GON) are far more capable of dealing with extremism, contending that the matter must be dealt with internally, given local sensitivities and customs. In late January, the Sultan of Sokoto (Nigeria's preeminent traditional ruler and communal leader of Nigeria's 70 million Muslims) told PolOff the Sultanate in concert with the thirteen emirates of the North is "quietly" working to leverage influence on the region's Islamic leadership to

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combat rising extremism and radicalization of Muslim youth. A member of the Sultan's inner circle told PolOff January 22 the SSS Director reportedly gave the Sultan his assurance that the SSS would not legally pursue the suspects if the North agreed to take custody of them and "reform their ways."

In addition, the Sultan's many public statements, remarking that al-Qaeda and terrorists do not exist in the North, may concern the North's desire to protect its image. In any case, the Sultan has no special access to information to determine if terrorists indeed have infiltrated the country or not, or whether individuals are being actively recruited for terrorist activities. All the while, it remains important to note that while terrorism represents a salient issue for the USG, neither the GON nor the Islamic leaders we have talked with necessarily give it as much prominence as we would like or expect.

¶6. (C//NF) COMMENT CONT'D: As well, while Nigeria lacks codified terrorism-related legislation, relying instead on provisions of the EFCC Act to prosecute terrorism suspects, it is far from certain that such legislation would appreciably improve the GON's ability to act against terrorists or interdict terrorist activities. Judicial corruption, which permeates the state and federal court system, poor coordination between the Attorney General's office and the SSS, unwillingness of SSS agents to testify in court or remit affidavits to court, and an ineffective/corrupt police force all exacerbate the GON's incapacity to investigate and prosecute terrorism cases. Furthermore, while we had reported (Ref B) that such legislation had initially been introduced in 2005 and had been sharply criticized by northern senators for perceived anti-Muslim bias, individuals with entrenched interests in the Niger Delta also helped shelve such legislation. The GON has hithertofore been hesitant to use the word "terrorism" to describe militancy in the Delta; however, increased bunkering, kidnapping of foreign oil workers, and damage to Nigerian infrastructure -- as well as likely pandering to USG concerns over global terrorism -- have permitted a more liberal, undifferentiated use of the term "terrorism" to apply broadly in the Nigerian context (Ref C). The Inspector

General of Police Mike Okiro, for instance, has stated that the GON's interest in developing an "anti-terrorism" squad relates to its desire to combat "domestic terrorism" (i.e., armed robbery, kidnapping, etc.). Moreover, Nigerian human rights organizations and civil society contacts have articulated their fears that any terrorism legislation may be exploited by the GON to pursue political opponents or dissidents. END COMMENT.
SANDERS